

JUL 19 2006

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**SCULLY, SCOTT, MURPHY
& PRESSER, P.C.****Fax**

To:	Examiner Mohammad O. Farooq GROUP ART UNIT: 2181	From:	Steven Fischman, Esq.
Fax:	(571) 273-8300	Pages:	17 (including fax cover sheet)
Phone:		Date:	July 19, 2006
Re:	Michael Baentsch, et al U.S. Serial No. 09/894,035 Docket: CH920000039US1 (14665)	CC:	

RESPONSE UNDER 37 C.F.R. §1.111**COMMENTS:**

Transmitted herewith are the following:

1. Amendment Transmittal letter (in duplicate)
2. Response Under 37 C.F.R. §1.111 (12 pages)
3. Certificate of Transmission by Facsimile, dated July 19, 2006 (in duplicate)
4. Authorization to charge IBM deposit account.

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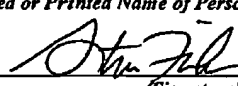
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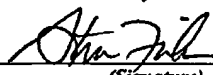
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CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)		Docket No. CH920000039US1 (14665)
Applicant(s): Michael Baentsch et al.		
Application No. 09/894,035	Filing Date June 28, 2001	Examiner Mohammad O. Farooq
		Group Art Unit 2181
Invention: DEVICE AND METHOD FOR UPDATING CODE		
I hereby certify that this RESPONSE UNDER 37 C.F.R. §1.111 <small>(Identify type of correspondence)</small>		
is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. (571) 273-8300		
on July 19, 2006 <small>(Date)</small>		
Steven Fischman, Esq. <small>(Typed or Printed Name of Person Signing Certificate)</small>		
 <small>(Signature)</small>		
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CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8) Applicant(s): Michael Baentsch et al.			Docket No. CH920000039US1 (14665)
Application No. 09/894,035	Filing Date June 28, 2001	Examiner Mohammad O. Farooq	Group Art Unit 2181
Invention: DEVICE AND METHOD FOR UPDATING CODE			
<p>I hereby certify that this <u>RESPONSE UNDER 37 C.F.R. §1.111</u> (Identify type of correspondence) is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>(571) 273-8300</u> on <u>July 19, 2006</u> (Date)</p> <p style="text-align: center;"><u>Steven Fischman, Esq.</u> (Typed or Printed Name of Person Signing Certificate)  (Signature)</p> <p style="text-align: center;">Note: Each paper must have its own certificate of mailing.</p>			

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AMENDMENT TRANSMITTAL LETTER (Large Entity)					Docket No. CH920000039US1 (14665)	
Applicant(s): Michael Baentsch et al.						
Application No. 09/894,035	Filing Date June 28, 2001	Examiner Mohammad O. Farooq	Customer No. 23389	Group Art Unit 2181	Confirmation No. 5498	
Invention: DEVICE AND METHOD FOR UPDATING CODE						
<u>COMMISSIONER FOR PATENTS:</u>						
Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below.						
CLAIMS AS AMENDED						
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE	
TOTAL CLAIMS	18 -	20 =	0	x \$50.00	\$0.00	
INDEP. CLAIMS	4 -	4 =	0	x \$200.00	\$0.00	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00	
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00	
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input checked="" type="checkbox"/> Please charge Deposit Account No. 50-0510/IBM in the amount of \$0.00 <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card. Form PTO-2038. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.						
 Signature			Dated: July 19, 2006			
Steven Fischman, Esq. Registration No.: 34, 594 SCULLY, SCOTT, MURPHY & PRESSER, P.C. 400 Garden City Plaza- Suite 300 Garden City, New York 11530 (516) 742-4343			I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ (Date) _____ Signature of Person Mailing Correspondence _____ Typed or Printed Name of Person Mailing Correspondence			
SF/BMM/me CC:						

P11LARGE/REV09

AMENDMENT TRANSMITTAL LETTER (Large Entity)

Applicant(s): Michael Baentsch et al.

Docket No.

CH920000039US1 (14665)

Application No. 09/894,035	Filing Date June 28, 2001	Examiner Mohammad O. Farooq	Customer No. 23389	Group Art Unit 2181	Confirmation No. 5498
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Invention: **DEVICE AND METHOD FOR UPDATING CODE****COMMISSIONER FOR PATENTS:**

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	18 -	20 =	0	x \$50.00	\$0.00
INDEP. CLAIMS	4 -	4 =	0	x \$200.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00

- ☒ No additional fee is required for amendment.
- ☒ Please charge Deposit Account No. 50-0510/IBM in the amount of \$0.00
- ☐ A check in the amount of _____ to cover the filing fee is enclosed.
- ☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account
- ☒ Any additional filing fees required under 37 C.F.R. 1.16.
- ☒ Any patent application processing fees under 37 CFR 1.17.
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Signature

Dated: July 19, 2006

Steven Fischman, Esq.
Registration No.: 34, 594
SCULLY, SCOTT, MURPHY & PRESSER, P.C.
400 Garden City Plaza- Suite 300
Garden City, New York 11530
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(Date)

Signature of Person Mailing Correspondence

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Michael Baentsch et al. **Examiner:** Mohammad O. Farooq
Serial No.: 09/894,035 **Art Unit:** 2181
Filed: June 28, 2001 **Docket:** CH920000039US1 (14665)
For: DEVICE AND METHOD FOR
UPDATING CODE **Dated:** July 19, 2006
Conf. No.: 5498

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE UNDER 37 C.F.R. §1.111

Sirs:

This document is submitted in response to the Non-Final Office Action mailed April 19, 2006. No new matter has been introduced.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Dated: July 19, 2006
Steven Fischman